

REMARKS

In general, claims 1 and 11 are directed to a piece of luggage that is constructed from a woven fabric that has significantly improved abrasion resistant properties. In particular, the present invention is directed to a luggage fabric treated with a chemical composition, such as a durable water resistant composition. The present inventors discovered that the durable water resistant composition not only makes the fabric water resistant, but also imparts abrasion resistance to the fabric. In one embodiment, the water resistant coating may include a fluoropolymer.

In the latest Office Action, independent claims 1 and 11 were rejected under 35 U.S.C. § 103 over Stahle, et al. in view of Hargis, et al. As recommended by the Examiner, claims 1 and 11 have now been amended to state that the housing contains a fabric substrate consisting of only a single fabric layer. Claims 1 and 11 have been amended to make clear that the housing contains only a single fabric layer but yet still allows for the housing to contain a chemical composition applied to the fabric and allows for the presence of, for instance, a water barrier as defined in claims 20 and 27.

As stated in the specification, one of the advantages to the present invention is the ability to significantly improve the abrasion resistance of fabrics without the necessity of having to use multiple layers of different fabrics. Further, since the durable water resistant composition also makes the fabric water resistant, other fabric layers are also not needed in order to provide luggage articles having water resistant properties.

In stark contrast to the currently pending claims, Stahle, et al. is specifically directed to the use of a fabric composite made from multiple layers of fabrics. As stated in column 2, starting at line 64, Stahle, et al. teach that the use of a spunbond non-woven web in conjunction with other fabric layers replaces the typical water-proof coatings applied to luggage fabrics. Further, as stated in column 12, starting at line 5, the spunbond non-woven web provides resistance to yarn ravel when used in the construction of softside luggage.

As stated above, Stahle, et al. was combined with Hargis, et al. in rejecting claims 1 and 11. Hargis, et al. discloses urethane coating compositions which use as a portion thereof oxetane polymers having highly fluorinated side chains. Column 1, Lines 39-43. The preferred use is on glass run channels from ethylene-propylene-diene polymers where

the coating allows automotive windows to move relative to the channel or belt strip with minimal friction. Column 1, Lines 19-22. The only mention of the chemical composition disclosed by Hargis, et al. on luggage is in the Polymerization Example 2 in column 12, line 45.

Even if Hargis, et al., however, were combinable with Stahle, et al., various features and aspects of the claimed invention remain absent. For instance, the essence of Stahle, et al. is to construct luggage using fabric composites made from multiple fabric layers. Since claims 1 and 11 have been amended to require that the piece of luggage be made from a fabric substrate consisting of a single fabric layer, it is believed that the claims as now amended patentably define over Stahle, et al. either alone or in combination with Hargis, et al.

Further, Applicants respectfully submit that there would have been no motivation or incentive to combine Hargis, et al. and Stahle, et al. in arriving at the claimed invention. For instance, Stahle, et al. teaches using a spunbond non-woven web in order to improve resistance to yarn ravel. Hargis, et al. simply discloses a coating composition that may be used (mentioned once) in the construction of luggage. There is no teaching, motivation or incentive to somehow remove one of the fabric layers disclosed in Stahle, et al., replace it with a coating composition as disclosed in Hargis, et al. and somehow end with a single layer fabric construction that has twice the abrasion resistance of the fabric prior to being coated.

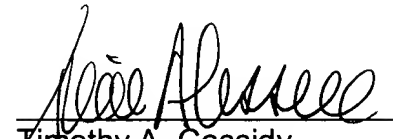
In the office action, Chakravarti, et al. and Tieniber, et al. were also cited in rejecting various dependent claims. Since these claims further limit and define the invention of claims 1 and 11, however, it is believed that all of the claims also patently define over these two additional references.

In conclusion, it is believed that the present application is in complete condition for allowance and favorable action; therefore, it is respectfully requested. Examiner Ruddock is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

10/14/03
Date


Timothy A. Cassidy
DORITY & MANNING, P.A.

P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342